

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA

Plaintiff,

v.

DONALD KENNETH HOWARD,

Defendant.

3:09-cr-0039-LRH-VPC

ORDER

Before the court are the parties' briefs concerning the imposition of restitution against defendant Donald Kenneth Howard ("Howard"). Doc. ## 71, 72.¹

On June 2, 2010, Howard entered a plea of guilty to furnishing false information to the Commissioner of Social Security in violation of 42 U.S.C. 408(a)(6), and aggravated identity theft in violation of 18 U.S.C. 1028A. Doc. #66. On August 30, 2010, Howard was sentenced to a total of forty-two (42) months incarceration. Doc. #69. However, at that time, the court withheld imposing restitution and granted the parties leave to file briefing on that issue. *Id.*

The court has reviewed the documents and pleadings on file in this matter and finds that restitution is appropriate. Pursuant to 18 U.S.C. § 3663(a)(1)(A), the court may order restitution as part of a criminal sentence for violations of Title 18. Here, defendant Howard pled guilty to

¹ Refers to the court's docketing number.

1 aggravated identity theft, a violation of Title 18, by using the identity of a deceased individual to
2 apply for and receive social security benefits in the deceased's name. *See* Doc. #66. As a result of
3 Howard's conduct, he received \$20,636.40 in unlawful benefit payments from the Commissioner
4 of Social Security from February 8, 2006, through December 1, 2008. *See* Doc. #72, Exhibit 1. As
5 such, the court finds an order of restitution is appropriate. *See* 18 U.S.C. § 3663(a)(1)(A).
6 Accordingly, the court shall impose restitution against defendant Howard in the amount of
7 \$20,636.40.

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9 IT IS THEREFORE ORDERED that restitution against the defendant is IMPOSED in the
10 amount of \$20,636.40.

11 IT IS FURTHER ORDERED that the clerk of court shall AMEND the defendant's sentence
12 and judgment (Doc. #70) in accordance with this order.

13 IT IS SO ORDERED.

14 DATED this 1st day of November, 2010.



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16 LARRY R. HICKS
17 UNITED STATES DISTRICT JUDGE
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